

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Shawn Duane Lokken,

Case No. 23-cv-2714 (KMM/DTS)

Plaintiff,

**REPORT AND RECOMMENDATION**

v.

Warden Lino Lakes, et al.,

Defendants.

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On February 29, 2024, the Court ordered Plaintiff Shawn Duane Lokken to respond to Defendants' motions to dismiss on or before April 15, 2024, and if Lokken failed to do so, the Court would recommend dismissal without prejudice. See Dkt. No. 54. That deadline has now passed, and Lokken has not filed a response. Accordingly, this Court now recommends dismissing this action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. See, e.g., *Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

**RECOMMENDATION**

For the reasons set forth above, the Court RECOMMENDS THAT this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: April 23, 2024

s/David T. Schultz  
DAVID T. SCHULTZ  
U.S. Magistrate Judge

## NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).